

ATTORNEY DOCKET NO. 042715-5024

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
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Tomoki TODO	)	
	)	
Application No.: Unassigned	)	Group Art Unit: Unassigned
	)	
Filed: September 29, 2006	)	Examiner: Unassigned
	)	
For: ENHANCER OF ANTICANCER ACTIVITY IN VIRAL THERAPY AND METHOD OF PREVENTING OR TREATING CANCER		

Commissioner for Patents  
**MAIL STOP PATENT APPLICATION**

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A copy of each listed document is attached. Applicant respectfully requests that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

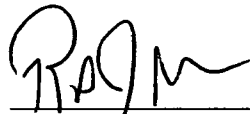
JP-A-2001-513508 is in another language other than English, but was cited in the International Search Report in the PCT Application of which this is a national stage.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicant reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Robert J. Goodell, Reg. No. 41,040

Date: September 29, 2006

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<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  <b>PTO Form 1449</b>	Attorney Docket No. 042715-5024	Serial No. Unassigned
	Applicants TODO	
	Filing Date September 29, 2006	Group Unassigned

### U.S. PATENT DOCUMENTS

*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
	US 2002-0187163	December 12, 2002	Johnson, et al.			March 27, 2002

### FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Sub Class	Translation YES NO	
	JP-A- 2001-513508	September 4, 2001	Japan				X
	WO 02/076216 A1	Ocotber 3, 2002	WIPO				

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Martuza, et al.; Experimental Therapy of Human Glioma by Means of a Genetically Engineered Virus Mutant; 10 May 1991; Science, Vol. 252; pages 854-856
	Chahlavi, et al.; Replication-Competent Herpes Simplex Virus Vector G207 and Cisplatin Combination Therapy for Head and Neck Squamous Cell Carcinoma; Neoplasia, Vol 1, No. 2; June 1999; pages 162-169
	Hunter, et al.; Attenuated, Replication-Competent Herpes Simplex Virus Type 1 Mutant G207: Safety Evaluation of Intracerebral Injection in Nonhuman Primates; Journal of Virology, Vol. 73, No. 8, Aug. 1999; pages 6319-6326
	Chahlavi, et al.; Effect of Prior Exposure to Herpes Simplex Virus 1 on Viral Vector-Medicated Tumor Therapy in Immunocompetent Mice; Gene Therapy, Vol. 6, 1999, pages 1751-1758
	Nakamura, et al.; Glial Expression of Fibroblast Growth Factor-9 in Rat Central Nervous System; GLIA 28; 1999, pages 53-65
	Todo, et al.; Systemic Antitumor Immunity in Experimental Brain Tumor Therapy Using a Multimutated, replication-Competent Herpes Simplex Virus; Human Gene Therapy, Vol. 10; November 20, 1999; pages 2741-2755
	Todo, e al.; Corticosteriod Adminstration Does not Affect Viral Oncolytic Activity, but Inhibits Antitumor Immunty in Replication Competent Herpes Simplex Virus Tumor Therapy; Human Gene Therapy Vol. 10; November 20, 1999; pages 2869-2878
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Examiner	Date Considered
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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<b>U.S. PATENT DOCUMENTS</b>
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*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date

<b>FOREIGN PATENT DOCUMENTS</b>
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	Document Number	Date	Country	Class	Sub Class	Translation YES NO	

<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>
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	Merkert, et al.; Conditionally replicating Herpes Simplex Virus Mutant, G207 for the treatment of malignant Glioma: results of phase 1 Trial; Gene Therapy, Vol. 7; 2000; pages 867-874
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	Varghese, et al., Preclinical Safety Evaluation of G207, a Replication Competent Herpes Simplex Virus Type 1, Inoculated Intraprostatically in Mice and Nonhuman Primates; Human Gene Therapy Vol. 12; 20 May 2001; pages 999-1010
	Jorgensen, et al.; Ionizing Radiation Does Not Alter the Antitumor Activity of Herpes Simplex Virus Vector G207 in Subcutaneous Tumor Models of Human and Murine Prostate Cancer; Neoplasia, Vol. 3, No. 5; 2001; pages 451-456
	Todo, et al.; Oncolytic Herpes Simplex Virus (G207) Therapy From Basic to Clinical; Tumor Suppressing Viruses, Genes, and Drugs-Innovative Cancer Therapy Approaches; 2001; pages 45-75
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	Seikagaku Jien (3rd Edition), Kabushiki Kaisha Tokyo Kagaku Dojin, 1998, page 156, right column
	Varghese, et al.; Oncolytic Herpes Simplex Virus vectors for cancer Virotherapy; Cancer Gene Therapy, Vol. 9, 2002; pages 967-978

Examiner	/Ali Salimi/	Date Considered	06/26/2008
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			